

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JOHNEY WESTLEY CARSON, ET AL.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:03CV548LN

ROYCE MCNEAL, ET AL.

DEFENDANTS

FINAL ORDER OF DISMISSAL

THIS MATTER came before the Court on the Complaint filed by Plaintiffs. All of Plaintiffs claims against all Defendants have been resolved as follows:

1. On September 17, 2004, the following Plaintiffs' claims against The Provident Bank ("Provident") were dismissed with prejudice by Agreed Order: James West, Pam West, Kendall Hatten, Sylina Hatten and Ada Louis McLendon. The Court is advised that all parties agree that a final judgment of dismissal with prejudice should be entered with respect to these Plaintiffs' claims against Provident pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

2. The Court on June 23, 2005, granted summary judgment in Provident's favor for all claims brought by Plaintiffs Ruby K. Johnson, Dedra Johnson, Edmond Palmer and Mazola T. Palmer. The Court is advised that all parties agree that a final judgment of dismissal with prejudice should be entered with respect to these Plaintiffs' claims against Provident pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

3. On September 3, 2004, the Court granted The Provident Bank's Motion to Compel arbitration as to Plaintiffs John Westley Carson, Corine Carson, Douglas Wayne Colburne, Linda Colburne, Rex D. Everett, Cassandra Everett, Linda Hamblin, Billy J. Priest, T.J. Robinson, Robert S. Staten, Sabrina A. Staten, Gladys G. Thomas, Leroy Thomas, Douglas Washington, James W. Whitfield and Dorothy Guynes. The Court is advised that all parties agree that a final judgment of dismissal, without prejudice to further proceedings in arbitration, should be entered with respect to these Plaintiffs' claims against Provident pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

4. The Court is advised that Plaintiffs have settled all of their claims against defendants Royce McNeal, Brent McNeal, Brian Michael Pellissier, James R. Hall and Craig Netterville. The Court is advised that all parties agree that a final judgment of dismissal with prejudice should be entered with respect to these Plaintiffs' claims against these Defendants pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

5. On September 27, 2004, all Plaintiffs' claims against Defendant Western Surety Company were dismissed with prejudice by Agreed Order. The Court is advised that all parties agree that a final judgment of dismissal with prejudice should be entered with respect to these Plaintiffs' claims against these Defendants pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

6. Plaintiffs have previously settled all claims against American Pioneer Title Insurance Company. The Court is advised that all parties agree that a final judgment of dismissal with prejudice should be entered with respect to these Plaintiffs' claims against these Defendants pursuant to Fed.R.Civ.P. 54(b), in that these claims are clearly severable from the rest, and there is no just reason to delay any further proceedings as to these claims.

7. Plaintiffs' Complaint also named Universal Title & Escrow, LLC as a Defendant. Plaintiffs have taken no action against this Defendant. Plaintiffs shall be allowed sixty (60) days to notify the Court whether they will continue to assert claims against this Defendant; if not, their claims against this Defendant shall be dismissed without prejudice.

IT IS THEREFORE ORDERED AND ADJUDGED that the claims of Plaintiffs James West, Pam West, Kendall Hatten, Sylina Hatten, Ada Louis McLendon, Ruby K. Johnson, Dedra Johnson, Edmond Palmer and Mazola T. Palmer against The Provident Bank be, and they hereby are, DISMISSED WITH PREJUDICE. Pursuant to Fed.R.Civ.P. 54(b), a separate Final Judgment shall be, and it hereby is, entered in favor of The Provident Bank and against these Plaintiffs, with costs awarded to The Provident Bank.

IT IS THEREFORE ORDERED AND ADJUDGED that the claims of Plaintiffs Plaintiffs Jhoney Westley Carson, Corine Carson, Douglas Wayne Colburne, Linda Colburne, Rex D. Everett, Cassandra Everett, Linda Hamblin, Billy J. Priest, T.J. Robinson, Robert S. Staten, Sabrina A. Staten, Gladys G. Thomas, Leroy Thomas, Douglas Washington, James W. Whitfield and Dorothy Guynes against The Provident Bank be, and they hereby are, DISMISSED WITHOUT PREJUDICE TO FURTHER PROCEEDINGS IN ARBITRATION. Pursuant to Fed.R.Civ.P. 54(b), a separate

Final Judgment shall be, and it hereby is, entered in favor of The Provident Bank and against these Plaintiffs. Costs shall be awarded to The Provident Bank.

IT IS FURTHER ORDERED AND ADJUDGED that the claims of all Plaintiffs against Defendants Royce McNeal, Brent McNeal, Brian Michael Pellissier, James R. Hall and Craig Netterville be, and they hereby are, DISMISSED WITH PREJUDICE. Pursuant to Fed.R.Civ.P. 54(b), a separate Final Judgment shall be, and it hereby is, entered in favor of Defendants Royce McNeal, Brent McNeal, Brian Michael Pellissier, James R. Hall and Craig Netterville and against all Plaintiffs, with each party bearing its own costs.

IT IS FURTHER ORDERED AND ADJUDGED that the claims of all Plaintiffs against Defendant American Pioneer Title Insurance Company be, and they hereby are, DISMISSED WITH PREJUDICE. Pursuant to Fed.R.Civ.P. 54(b), a separate Final Judgment shall be, and it hereby is, entered in favor of American Pioneer Title Insurance Company and against all Plaintiffs, with each party bearing its own costs.

IT IS FURTHER ORDERED AND ADJUDGED that the claims of all Plaintiffs against Defendant Universal Title & Escrow, LLC be, and they hereby are, STAYED for sixty (60) days. Within sixty (60) days from the entry of this Order, Plaintiffs will advise the Court whether they intend to proceed with their claims against Universal Title & Escrow, LLC. If they do not so advise the Court, their claims against this Defendant shall be DISMISSED WITHOUT PREJUDICE. As this is the only remaining Defendant, there will be no need to certify the judgment under Fed.R.Civ.. 54(b).

SO ORDERED, this the 27th day of September, 2005.

/s/ Tom S. Lee
DISTRICT COURT JUDGE

Approved:

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